

REMARKS

The following remarks address all issues raised in the pending non-final action.

Applicant notes respectfully that this response is the fourth response to actions on the merits in this case, each time without amendment.

Applicant had in the last response respectfully requested an interview with the examiner if the case was not deemed allowable in light of the remarks. Applicant notes for the record that no communication was made by the Patent Office to the Applicant for the purpose of expediting prosecution of this case.

Again Applicant respectfully requests, for purposes of expediting prosecution of this application, that if the remarks below are not deemed to put this case in condition for allowance, an interview with the examiner be granted for the purpose of resolving any remaining issues, so that this case may pass to issue.

Applicant has reviewed carefully the pending rejections made under § 102 and § 103 and premised upon the teachings of Dedrick (US 5,724,521), Coli et al. (US 6,018,713) and Lotspiech et al (6,345,289) and respectfully traverses.

§102 Rejection

Claims 1, 5-7, 9-11, 13-14, 18-20, 22-24 and 26-31 stand rejected under 35 U.S.C. 102 as being anticipated by Dedrick. Applicant respectfully disagrees.

Dedrick teaches a system for delivering ad content over a data network that tries to match the ad content to a user profile entered by the user. To that end, Dedrick teaches setting up a user profile that can be stored securely on a removable drive and loaded into memory of the computer. An advertiser (18) can use the stored profile data to customize the format of the content delivered to the user.

However, at Column 8, lines 53-65, Dedrick expressly teaches that the data stored in profile database 27 about the person is not isolated from third parties. This section, which was cited by the Office Action in support of the position that Dedrick teaches a protective zone isolated from third parties, in fact, expressly teaches that information in the profile database 27 is accessed by the advertisers. Thus, although the advertisers promise not to touch certain types of stored personal data (like your social security number, address and credit card numbers (Col. 8 lines 60-65) –which applicant is pretty sure would be identity theft) there is nothing in Dedrick that teaches that this information is isolated from and not accessible to the statistic compilation process 26 (and in fact by line 66 of Column 8, Dedrick is already taking your name and credit card number too). The information may be securely held on a PCMCIA card, as noted in the Office Action but at one point Dedrick decrypts it, reads it and either takes the information, or analyzes it statistically. But nowhere does Dedrick discuss that the securely held personal information is maintained securely away from the advertiser and isolated from them.

In light of the above, applicant finds that nothing in Dedrick teaches a system that has:

a data collection module for gathering information about a person and for storing the information within a protective zone located within the end user's computer and isolated from third parties, a data content module for maintaining identities of available data content wherein said identities contain parameters corresponding to said available data content, and a correlation module for correlating said gathered information with said available data content to produce a set of content corresponding to said gathered information, and for directing said content to said end user.

Yet this is the express subject matter of claim 1 and, therefore, the §102 Rejection of base claim 1 should be withdrawn.

Moreover, nothing in Dedrick teaches that certain information, which is not your credit card numbers or your social security codes, but instead it is personal information about you, such as that

you have diabetes, is information that people want to keep private and not share with others. But this is exactly the kind of information it seems that Dedrick would at least statistically analyze. This point is also relevant to the rejections raised under §103.

Finally, nothing in any of the cited publications address the fact that people want to keep their medical health private, while at the same time wanting to accept information and ads about products and treatments that are relevant to them. As noted in the Action, Dedrick does not speak to information pertaining to health. But just as importantly, Coli does not bridge the gap between Dedrick and the claimed invention, as Coli does not teach securely storing medical data so that it is isolated from third parties. Moreover, neither Coli nor Dedrick can rightly be combined to take a position that it was obvious in light of these publications to set up a system that lets a doctor receive ads based on the medical conditions of his patients. Yet this is exactly the subject matter being rejected at page 4 of the Office Action.

Lotspeich has also been reviewed and, like Coli, does not bridge the gap between Dedrick and the claimed invention, as Lotspeich also fails to teach securely storing medical data so that it is isolated from third parties.

While having different scope, base claims 14 and 27 include the same or similar feature of "a protective zone located within the end user's computer and isolated from third parties." Accordingly, for the same reasons discussed above, the §102 and §103 rejections of all claims are to be withdrawn. In view of the above amendment, applicant believes the pending application is in condition for allowance.

Application No. 09/770,808
Amendment dated December 5, 2007
Reply to Office Action of June 5, 2007

Docket No.: SIMU-P01-003

Applicant believes a fee is due with this response. Please charge \$525.00 to our Deposit Account No. 18-1945, under Order No. SIMU-P01-003 from which the undersigned is authorized to draw.

Dated: December 5, 2007

Respectfully submitted,

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